

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ADONNIS MCGHEE,

Plaintiff,

v.

JEFFERSON DUNN, *et al.*,

Defendants.

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CASE NO. 2:19-CV-1090-RAH-CWB

ORDER

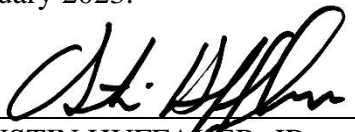
Before the court is the Special Report (Doc. 34), which the Court construes as including a Motion for Summary Judgment. The Magistrate Judge entered his Report and Recommendation on January 13, 2023, (Doc. 83). No objections have been filed. Based upon an independent and *de novo* review of the Recommendation, as amended and supplemented, *see* 28 U.S.C. § 636(b), it is

ORDERED that:

1. The Recommendation of the Magistrate Judge is ADOPTED;
2. The Motion for Summary Judgment is GRANTED in favor of all Defendants as to McGhee's claims for injunctive and declaratory relief;
3. The Motion for Summary Judgment is GRANTED in favor of all Defendants as to McGhee's claims for monetary damages against them in their official capacities;
4. The Motion for Summary judgment is GRANTED in favor of Jackie Lester and Kingston Bennette on McGhee's claim for deliberate indifference;
5. The Motion for Summary judgment is DENIED as to Alfred Murphy in his individual capacity on McGhee's claim for excessive force;

6. The Motion for Summary judgment is GRANTED in favor of Otis Smith, Jefferson Dunn and Joseph Headley;
7. The claims against Otis Smith, Jackie Lester, Kingson Bennette, Jefferson Dunn and Joseph Headley are DISMISSED with prejudice;
8. The Plaintiff's excessive force claim against Defendant Officer Alfred Murphy in his individual capacity shall be set for a jury trial.

DONE, on this the 16th day of February 2023.



R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE